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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 16

Application Number: 08/885,597
Filing Date: June 30, 1997
Appellant(s): John TANG et al.

Walter D. Davis, Jr.
For Appellant

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Group 2700

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed February 1, 2000.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

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The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is substantially correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-31 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

A substantially correct copy of appealed claims 1-31 appears on page 26 - 32 of the Appendix to the appellant's brief.

(9) *Prior Art of Record*

Baecker (pat. # 5,479,602)	12-26-1995
Johnson (pat. 5,880,729)	3-2-1999
Gudmundson (pat. 5,680,619)	10-21-1997
Legarde (pat. # 5,721,908)	2-24-1998
<i>Computer Visualization</i> by Gallagher	©1995
STN Express	©1996

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 13, and 29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baecker (pat. # 5,479,602) and Johnson (pat. 5,880,729). Baecker discloses a computer readable medium for the storing of data and instructions (col. 4, lines 25 - 45).

Claims 1 and 13 are rejected. Baecker discloses an animation sequences where the animation appears to be repeatedly scanning over a given number of document sections (col. 8, lines 49 - 57). Baecker discloses modifying the appearance of the animation icon when the corresponding file or folder representing the icon changes (col. 8, lines 58 - 67). Baecker discloses a process which generates new animation frames whenever the file or folder representing the icon changes (col. 8, lines 58 - 67).

Baecker fails to teach transitional visual effects, or animation for allowing users to view the transition of an object between two different static states of elements within the GUI. Johnson teaches using transitional visual effects, or animation for allowing users to view the transition of an object between two different static states of elements within the GUI (col. 2, lines 40 - 50). Johnson teaches the display of an animated icon on a screen when another element associated with the computer system changes (col. 2, lines 40 - 50) can be interpreted as detecting an event reflecting a change in the state of the container. This can be interpreted as cyclically display a series of frames

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as an animated sequence which reflect a change in the state of the container. It is obvious to one with ordinary skill in the art to determine based on the detected event whether an animated sequence does not reflect the state of the container. Doing so allows the user to detect whether a change has occurred to a computer file while the user passively observes without entering additional inputs. It is obvious to one with ordinary skill in the art to update the cyclical display based on the determination. Doing so informs the user of changes while a the user passively observe the said changes.

Claim 29 is rejected. Johnson discloses the use of animation which represent the characteristics of an object which can also be a container or be related to a container while the object is undergoing a change of state (col. 4, lines 20 - 33).

Johnson fails to teach that representation can also by interpreted as a type of a symbol. The examiner takes official notice that a representation can be interpreted as a type of a symbol. It is obvious to one with ordinary skill in the art for the process of claim 1, wherein the frames include characteristics that are symbolic of objects of the container. Doing so provides both animated and static icons which are more easily recognizable by the user.

Claim 31 is rejected. Baecker discloses a computer readable medium in rejected claim 1. The rationale of claim 29 is incorporated into claim 30.

3. Claims 2 - 4, 10, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baecker (pat. # 5,479,602) and Johnson (pat. 5,880,729) as applied to claims 1 and 13 above, and further in view of Gudmundson (pat. 5,680,619). Baecker discloses a computer readable medium for the storing of data and instructions (col. 4, lines 25 - 45).

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Claim 2 is rejected. Baecker in view of Johnson fail to teach individual objects undergoing a change in state. Gudmundson discloses individual objects undergoing a change in state represented by fish in an aquarium expressing behavior (fig. 33; col. 64, lines 49 - 67). Gudmundson discloses objects represented by the use of animated fish icons which make behavior responses such as schooling like fish in a body of water when they come in near proximity of one another on the computer display (fig. 33; col. 64, lines 49 - 67; col 65, lines 1 - 15). It is obvious to one with ordinary skill in the art to incorporate the methods of displaying graphical items as fish or other icons into Gudmundson and Baecker because doing so can reduce the need for the user to change position to view a screen or enter input when observing the progress of a software object. It is obvious to one with ordinary skill in the art to incorporate Gudmundson into the process of claim 1 taught by Baecker, wherein the cyclical display provides an intuitive representation of a degree of the change in the state of the container. Doing so allows the user to view and track changes while the user passively observe the display without the entering of additional inputs.

Claim 3 is rejected. Baecker in view of Johnson fail to teach individual objects undergoing a change in state. Gudmundson discloses representing similar objects by similar type of fish which school while representing less similar object by different types of fish which compete with one another (fig. 33; col. 64, lines 49 - 67). Gudmundson discloses a given number of fish representing the given number of objects (fig. 33; col. 64, lines 49 - 67). It is obvious to one with ordinary skill in the art to incorporate the methods of displaying graphical items as fish or other icons into Gallagher and Baecker because doing so can reduce the need for the user to change position to view a screen or enter input when observing the progress of a software object. It is obvious to one with ordinary skill

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in the art to incorporate Gudmundson into the process of claim 1 taught by Baecker, wherein the cyclical display reflects the numbers and types of objects. Doing so updates the user of types and number of active objects without requiring additional input.

Claim 4 is rejected. Baecker in view of Johnson fail to teach a cyclical display which embeds audio information in the generated frames. Gudmundson discloses a stay in tank behavior command which produces a bounce sound when a fish object collides with the given border (col. 65, lines 40 - 62). It is obvious to one with ordinary skill in the art to incorporate the methods of displaying graphical items as fish or other icons into Baecker in view of Johnson because doing so can reduce the need for the user to change position to view a screen or enter input when observing the progress of a software object. It is obvious to one with ordinary skill in the art to incorporate Gudmundson into the process of claim 1 taught by Baecker, wherein the cyclical display embeds audio information in the generated frames. Doing so signals information regarding object state without requiring the user to neither take time to view the computer screen nor enter input into an input device.

Claim 10 is rejected. The rationale for claim 10 is disclosed in claim 4.

Claim 14 is rejected. Baecker in view of Johnson in view of Gudmundson disclose the rationale for claim 14 in rejected claim 2.

Claim 16 is rejected. Gudmundson discloses embedding sound into animated frames in rejected claim 4. Baecker and Johnson disclose the cyclical display of animated frames in rejected claim 1. Baecker in view of Johnson in view of Gudmundson teach using a cyclical sound to be embedded into a cyclical animation in rejected claim 4. It is obvious to one with ordinary skill in the art for the computer readable medium of claim 13 to further include instructions for embedding audio

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information in the cyclical display. Doing so informs the user that the computer is in a normal processing state without requiring that the user change positions to view some type of computer device.

4. Claims 5, 6, 9, 12, 11, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baecker (pat. # 5,479,602) in view of Johnson (pat. 5,880,729) in view of Gudmundson (pat. 5,680,619) as applied to claims 1 and 2 above, and further in view of Gallagher. Baecker discloses a computer readable medium for the storing of computer readable data and instructions (col. 4, lines 25 - 45).

Claims 5 and 17 are rejected. Baecker in view of Johnson in view of Gudmundson fail to teach using the rate of change the rate that new frame are displayed during animation when determining the quality of animation required for a given procedure. Gallagher discloses using the rate of change the rate that new frame are displayed during animation when determining the quality of animation required for a given procedure (p. 220). Gallagher discloses color table animation where a palette is used for displaying color in an animated image (p. 222). Gallagher discloses color cycling for mapping a sequence of moving events onto a range of color indices (p. 223). Gallagher discloses color cycling being used for particle traces, especially fluid flow through a container (p. 223). Gallagher discloses using a rate of change at a speed where colors appear to be moving (p. 223). Gallagher discloses uses color cycling at a speed where animation appears on the screen thus giving the user an illusion of motion on the screen (p. 223). Gudmundson discloses providing an object and view menu where color, sound, motion, and size data corresponding to an object represented by a fish can be modified (col. 21, lines 50 - 67). It is obvious to one with ordinary skill in the art to

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incorporate the methods of displaying graphical items as fish or other icons into Gallagher and Baecker because doing so can reduce the need for the user to change position to view a screen or enter input when observing the progress of a software object. It is obvious to one with ordinary skill in the art to incorporate into the process of claim 2, wherein the cyclical display uses one of color variations, tempo, motion, and change in size to represent the degree of the change in the state of the container. Doing so signals information regarding object state while reducing the need for the user to change physical position for the entering of input and the viewing of an output display.

Claims 6 and 18 are rejected. Gudmundson discloses displaying representing the number of objects in the form of some type of animal in rejected claim 3. Rejected claim 5 incorporates the rationale for using color variations, tempo, and changing motion and size. It is obvious to one with ordinary skill in the art to incorporate into the process of claim 3, wherein the cyclical display uses color variations, tempo, motion, and change in size to reflect the number or type of the objects in the container. Doing so signals information regarding object state while reducing the need for the user to change physical position for the entering of input and the viewing of an output display.

Claim 9 is rejected. The rationale for claim 9 is disclosed in claim 6.

Claim 11 is rejected. The rationale for claim 11 is disclosed in claim 5.

Claim 12 is rejected. The rationale for claim 12 is disclosed in claim 6.

Claim 15 is rejected. Baecker discloses a computer medium with instructions for executing a program in rejected claim 1. The rationale for the rest of claim 15 is disclosed in claim 6.

5. Claims 7, 19 - 21, 25, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (pat. 5,880,729).

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Claim 7 is rejected. Johnson discloses a RAM, ROM, and processor connected by a bus (fig. 4b). Johnson discloses using software in memory to display the status by displaying an animation sequence corresponding to the find button; the find button can be considered a type of software container (fig. 5; col. 3, lines 65 - 68; col. 4, lines 1 - 20). Johnson discloses displaying state changes which correspond with state changes (fig. 6; col. 4, lines 34 - 50). Johnson discloses detecting changing of software state through the use of active animation (fig. 6; col. 4, lines 34 - 50). Johnson discloses cyclically displaying an animated sequence in the form of a rotating button (fig. 5; col. 3, lines 65 - 68; col. 4, lines 1 - 20). Johnson discloses storing and executing programs such as a GUI in memory (fig. 4; col. 3, lines 44 - 64). Johnson teaches the use of a software program which can be interpreted as requiring a processor configured to execute programs in memories (abstract). It is obvious to one with ordinary skill in the art to display on which a series of frames is cyclically displayed in an animated sequence. Doing so makes the passive user or other observer aware when the software is in a normal processing state. It is obvious to one with ordinary skill in the art to provide a memory which includes a software container and an animated indicator program including computer code for monitoring the software container to detect an event reflecting a change in a state of the container, for determining based on the detected event whether an animated sequence does not reflect the state of the container, and for generating a series of frames to reflect a state of the container based on the determination. Doing so enhances the ability of the computer programmer to track the state of software programs undergoing execution.

Claims 19 and 25 are rejected. Johnson discloses detecting activity of a menu item (col. 4, lines 20 - 50). Johnson teaches the user of menu which can also be interpreted as a type of software

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container (col. 4, lines 20 - 50). Johnson discloses updating an animated sequence as to reflect the activity of the button (col. 4, lines 1 - 50). It is obvious to one with ordinary skill in the art to detect activity of the closed container and to update the animated sequence so as to reflect the activity of the closed container. Doing so provides a method for updating the user with information regarding the processes being executed by the computer.

Claim 20 is rejected. Johnson discloses displaying an animated sequence (col. 4, lines 33 - 50).

Claim 21 is rejected. Johnson fails to teach placing a mouse cursor on an icon representing a closed window. The examiner takes OFFICIAL NOTICE that when a user of Microsoft Windows for DOS places the mouse cursor on an icon representing closed windows and other objects, the icon is replaced with corresponding information representing the software represented by the container. It is obvious to one with ordinary skill in the art to interrupt the display of the animated sequence when the corresponding software container is opened because stopping animation and removing of the corresponding icon is widely accepted method for reducing confusion for the user when an application, represented by an icon, is activated for user access.

Claim 30 is rejected. Johnson discloses a computer system in rejected claim 7. The rationale of claim 29 is incorporated into claim 30.

6. Claim 22-24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over STN Express ©1996 in view of Legarde (pat. # 5,721,908) in view of Johnson (pat. 5,880,729).

Claim 22 is rejected. STN Express discloses the coupling of a PC with a mainframe containing a database. STN Express discloses an emulator for the PC which emulates actions of the

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mainframe allowing the user on the PC to view actions of the mainframe. STN Express discloses a status bar located on the bottom of the PC screen with the word online or offline depending whether the emulator is connected to the mainframe. STN Express discloses displaying the word "online" in green when the mainframe awaits input from the PC user while displaying "online" in red when the user is instructed to await for output from the mainframe after input is entered. STN Express discloses displaying the word "online" in red to signal to the user when the request by the user is being processed. STN Express discloses the display of an emulation of a PC screen of data stored on a mainframe which can be interpreted as output retrieved from a database server to a user computer is a reflection of actions taking place on the said database server. STN Express teaches the use of an emulator which can be interpreted as a method where a first computer has acted upon a software container in a second computer.

STN Express fail to teach coupling a database on a different server computer with user computer equipped with a browser where the user requests information from the database server. Legarde discloses coupling a database on a different server computer with user computer equipped with a browser where the user requests information from the database server (col. 23, lines 15 - 30). Legarde teaches accessing data through a network (vol. 23, lines 37 - 45). Legarde teaches networking on the Internet (col. 23, lines 15 - 45). It is obvious to one with ordinary skill in the art to detect if a second computer system has acted upon the container. Doing so allows the user to access a user-friendly, graphical based program on a server computer from another computer.

Legarde fail to teach output retrieved from a database server to a user computer is a reflection of actions taking place on the said database server. The examiner takes official notice that it is widely

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accepted in the art to provide animated icons on an Internet server wherein the user of a second computer system accessing the server can execute software stored on the server from the second computer system. It is obvious to one with ordinary skill in the art to update an animated sequence to be displayed on the first computer system so as to reflect the actions of the second computer system. Doing so is a widely accepted method for allowing the user accessing a first computer from a second computer system for viewing a copy of the output from the first computer from the second computer.

Claim 23 is rejected. Claim 22 discloses networking a first and second computer together on the Internet. It is obvious to one with ordinary skill in the art to incorporate into the process according to claim 22, wherein the first computer system and the second computer system are connected to the Internet. Doing so is a widely accepted method which uses universal protocols for allowing a second computer to run software on a first computer.

Claim 24 is rejected. Johnson discloses using a rotating animated icon to represent the changing software states associated with the icons while using static icon representations to represent specific static states (col. 5, lines 20 - 63). It is obvious to one with ordinary skill in the art for the process according to claim 22, further comprising displaying the animated sequence as disclosed by Johnson on the first computer system which is assigned the task of being a server computer. Doing so provides a method for the computer user to observe animated sequences and other graphical processes used for the tracking of database retrieval and other program runs being executed by the server computer.

Claim 26 is rejected. The rationale disclosed in claim 22 is incorporated herein.

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7. Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baecker (pat. # 5,479,602) in view of STN Express ©1996 in view of Legarde (pat. # 5,721,908) in view of Johnson (pat. 5,880,729).

Claim 27 is rejected. Baecker discloses a computer system which includes a memory, processor, and data storage device (fig. 1). Baecker discloses providing for the storing of instructions or code on a magnetic disk connected to memory by means of a bus (col. 4, lines 25 - 55). Baecker discloses a display device (fig. 1; col. 1, lines 43 - 55). Baecker teaches the use of a computer program which requires instructions to be read into memory before a processor can execute the instructions (abstract).

Baecker fails to teach a method for allowing one computer to reflect the actions of another. STN Express discloses a method for allowing one computer to reflect the actions of another computer in rejected claim 22. STN Express discloses providing a window, object, or software container for running a mainframe emulation while other programs are also executing on the same computer system. Baecker and Johnson disclose displaying animation in rejected claim 1. It is obvious to one with ordinary skill in the art to provide a memory in a first computer containing code for performing a process for reflecting activity of a network-based software container associated with the first computer system, including code for detecting if a second computer system has acted upon the container, and code for updating an animated sequence to be displayed on the first computer system so as to reflect the actions of the second computer system. Doing so allows a user to access a larger and more powerful computer system using only a portion of the resources provided by a different, smaller, and more accessible computer system. It is obvious to one with ordinary skill in

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the art to provide a display for the display the animated sequence. Doing so is the widely accepted method in the art for the display of moving images including animation. It is obvious to one with ordinary skill in the art to provide a processor configured to execute programs in memory because doing so is the widely accepted method in the art for running computer programs.

Claim 28 is rejected. The rationale of claim 28 is disclosed in rejected claim 27. It is obvious to one with ordinary skill in the art to provide a memory containing code for performing a process for reflecting activity of a software container that is closed, including code for detecting activity of the closed container and code for updating an animated sequence so as to reflect activity of the closed container. Doing so allows the user to run multiple programs on the local computer workstation and to view the running of the multiple programs on the computer workstation's display device.

8. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (pat. 5,880,729) as applied to claim 7 above, and further in view of Gallagher.

Claim 8 is rejected. Johnson discloses displaying a transition using animation to show the change of the state of a software container or button from a first state to a second state (col. 6, lines 60 - 70; col. 7, lines 1 - 25).

Johnson fails to teach varying degrees or time rates for observing animation sequences. Gallagher discloses varying degrees or time rates for observing animation sequences (p. 207, para. 2). It is obvious to one with ordinary skill in the art for the computer system of claim 7, wherein the cyclical display provides an intuitive representation of a degree of the change in the state of the container. Doing so provides the user with a user-friendly method for observing changes corresponding to software programs being executed on a computer.

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(11) Response to Argument

The Appellant responds to the rejection of claim 1. The Appellant submits Baecker in view of Johnson fail to teach the step of determining based on the detected event whether an animated sequence reflect the state of the container. The Examiner responds stating that Johnson teaches using transitional visual effects, or animation, for allowing users to view the transition of an object between two different static states of elements within the GUI (col. 2, lines 40 - 50). Johnson teaches display of animation while the state of a software container, which can be interpreted as being at least any window or icon for accessing a particular computer implemented process, is undergoing a type of transition.

The appellant also submits that Baecker in view of Johnson fail to teach a conditional update matching the state of the container. The Examiner responds stating that Johnson teaches using transitional visual effects, or animation for allowing users to view the transition of an object between two different static states of elements within the GUI (col. 2, lines 40 - 50) can be interpreted as a method for developing an animated update of an icon form reflecting the change of a software container state.

The Appellant responds to the rejection of claim 13. The Examiner submits that claim 13 is not patentable for at least the same reasons as rejected claim 1.

The Appellant responds to the rejection of claim 2-4, 10, 14, and 16. The Appellant fails to provide factual reasoning supporting the withdrawal of the rejections of claims 2-4, 10, 14, and 16. The Examiner submits that the rejection of claims 2-4, 10, 14, and 16 should remain standing for at least the above reasons.

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The Appellant responds to the rejection of claim 5-6, 9, 11-12, 15, 17, and 18.

The Appellants submits that the combined teachings of Baecker in view of Johnson in view of Gudmundson used to reject claims 5, 11, and 17 which depends on claims 2, 8, and 14 fail to teach using one of color variations, tempo, motion, and change in size to represent the degree in the state of the container. The Appellant submits the teaching of altering of features such as color, tempo, motion, and change in size is not equivalent to using these alterations to represent the degree of change in the state of a software container that is depicted b animation. The Examiner submits that it would be obvious to one with ordinary skill in the art to use features such as color, tempo, motion, and change in size because doing so provides more options for informing a user of changes in the state of a container or of an executing program within the said container.

The Appellant submits that claims 6, 9, 12, 13 and 18 dependent on claims 3, 9, 15 are similar to claims 5, 7, 11, 13 and 14 can not be rejected for at least the reasons stated above. The Appellant fails to provide additional reason supporting the withdrawal of the said rejection. The Examiner submits that the rejection of claims 5-6, 9, 11-12, 15, 17, and 18 should remain standing.

The Appellant responds to the rejection of claims 7, 19-21, 25, and 30.

The Appellant submits that the Examiner provides no reference in the rejecting of claims 7 and 19 stating that the “find” button taught by Johnson does not reflect the state of a container. The Examiner submits that Johnson discloses displaying state changes which correspond with state changes (fig. 6; col. 4, lines 34 - 50). Johnson discloses detecting changing of software state through the use of active animation (fig. 6; col. 4, lines 34 - 50). Johnson discloses cyclically displaying an animated sequence in the form of a rotating button (fig. 5; col. 3, lines 65 - 68; col. 4, lines 1 - 20).

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The "find" button, interpreted as a software container, while in motion or static mode can be interpreted as a software container which signals to the user whether the computer program is performing a transitional process. The Applicant submits that the button is in no way analogous to a closed container disclosed in claim 19. The Examiner submits that the button taught by Johnson (fig. 5-6) can be interpreted as a closed container because the user output screen does not provide extensive details of processing when a request is submitted to the processor. The Examiner submits that the appellant has failed to overcome the rejection of claim 7 and claim 19.

The Examiner submits that the Appellant do not provide sufficient reasoning supporting the withdrawal of the rejection of claims 20, 21, 25, and claim 30. For at least the reasons stated above, the Examiner submits that the rejection of claims 7, 19-21, 25, and 30 should remain standing.

The Appellant responds to the rejection of claim 22-24 and 26. The Appellant requests that the Examiner produces references for the Official Notices issued by the Examiner in responding to the rejection of claim 22. The Examiner responds by stating that the Appellant has failed to seasonably challenge the said Official Notices. The Examiner also submits that STN is an emulator which allows one computer to reflect the actions of a second computer. The Examiner submits for at least the above reasons, the rejection of claim 22 should remain standing. The further submits that the Appellants provide no additional reasoning supporting the withdraw of the rejection of claims 23, 24 and 26 therefore the rejection of claims 23, 24 and 26 should remain standing for at least the above reasons.

The Appellant responds to the rejection of claims 27 and 28. The Examiner submits that the Appellant fails to provide sufficient explanation understandable to one with ordinary skill in the art.

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The Examiner submits that the rejection of claims 27 and 28 should remain standing for at least the above reason.

For at least the above reasons, it is believed that the rejection of claims 1-31 should be sustained.


Respectfully Submitted,

Thomas Joseph



March 2, 2000

mg
(CONF.)



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2773